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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,122	05/19/1999	TAKAYUKI KIKUCHI	35.C13531	4722

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NEW YORK, NY 10112

EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 11/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,122

Applicant(s)

KIKUCHI, TAKAYUKI

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 4-7, 9-20 are rejected under 35 U.S.C. 102(e) as being participated by Karasawa (U.S 6,333,950).

Regarding claims 1, 18, 19, Karasawa discloses a data processing apparatus comprising: a) input means for inputting data;

b) encoding means for compression-encoding the data;

c) first packetizing means for packetizing the data encoded by said encoding means into a first data train on a basis of a first data length; and

d) second packetizing means for packetizing the first data train generated by said first packetizing means into a second data train,

wherein the second data train has a corresponding predetermined fixed payload length, and

wherein the first data length is determined in accordance with at least the predetermined fixed payload length corresponding to the second data train. See col.3 lines 3-10.

Regarding claim 2, Karasawa discloses an encoding means compression-encodes the data on a basis of a predetermined data length, and said control means controls the first data length in accordance with the predetermined encoding data length and the second data length. See col.6 lines 45-60.

Regarding claim 4, Karasawa discloses that the data is audio data. See col.1 lines 20-40.

Regarding claim 5, Karasawa discloses a reference time information generation means for generating reference time information; and

time management information generation means for generating time management information representative of an input time of the data to said input means, in accordance with the reference time information,

wherein said first packetizing means adds the time management information to the first data train based upon a first period, and said second packetizing means adds the reference time information to the second data train based upon a second period. See col.7 lines 5-15.

Regarding claim 6, Karasawa discloses that a control means controls the first data length in accordance with the time management information. See col.5 lines 10-25.

Regarding claim 7, Karasawa discloses that the reference time information is PCR of MPEG specifications and the time management information is PTS of MPEG standard. See col.4 lines 45-65.

Regarding claim 9, Karasawa discloses that an encoding means can change a compression factor. See col.5 lines 40-50.

Regarding claim 10, Karasawa discloses that second packetizing means adds, if necessary, redundant data to form the second data train. See col.2 lines 30-40.

Regarding claim 11, Karasawa discloses a data processing apparatus comprising:

image data input means for inputting image data; image data encoding means for compression-encoding the image data; and

third packetizing means for packetizing the image data encoded by said encoding means on a basis of a third data length, wherein said second packetizing means packetizes the third data train generated by said third packetizing means on a basis of the second data length. See col.4 lines 30-60.

Regarding claim 12, Karasawa discloses that the image data encoding means compression-encodes the image data in conformity with MPEG. See col.4 lines 55-60.

Regarding claim 13, Karasawa discloses a video camera for outputting the data and the image data. See figure 5.

Regarding claims 14, 17, Karasawa discloses a transmission means for transmitting the second data train. See col.3 lines 30-50.

Regarding claim 15, Karasawa discloses a decoding means for decoding the second data train transmitted by said transmission means. See col.3 lines 30-50.

Regarding claim 16, 20, Karasawa discloses display means for displaying the image data decoded by said decoding means. See col.7 lines 45-65.

Allowable Subject Matter

3. Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Argument

4. Applicant's arguments files on 09314122 have been fully considered but they are not persuasive.

Applicant argues that Karasawa does not disclose control means for controlling the first data length of packetizing by a first packetizing means in accordance with at least a second data length. However, Examiner does not agree with the argument because Karasawa, col.3 lines 1-10, col.4 lines 10-65, discloses that a detection of the length of the first data train (first packetizing data) so that the fix length of the second data train (second packetizing data) can be processed or controlled in accordance with

the result of the length supplied by the packetizer 102. (control means for controlling the first data length of packetizing by a first packetizing means in accordance with at least a second data length as a fix data data length as described in the specification).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran

A handwritten signature in black ink, appearing to read 'Alpus H. Hsu', written in a cursive style.

**ALPUS H. HSU
PRIMARY EXAMINER**